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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 SEWRAWIT H. GEBREKIDAN, et
11 al.,

12 Plaintiffs,

13 v.

14 USAA INSURANCE COMPANY, et
15 al.,

Defendants.

CASE NO. C13-0508JLR

ORDER ON MOTION TO
DISMISS

16 Before the court is Defendant Allstate Insurance Company's ("Allstate") motion to
17 dismiss for lack of proper service. (Mot. (Dkt. # 47).) Allstate contends that it was never
18 served with a summons and complaint by the plaintiffs in this action, Sewrawit
19 Gebrekidan and Kevin Johnson, who are proceeding pro se. (*See id.* at 1-2.) Indeed,
20 there is nothing before the court to suggest that Allstate has been served: Plaintiffs have
21 filed nothing indicating that service took place. (*See Dkt.*) Plaintiffs also did not respond
22 to Allstate's motion. (*See id.*)

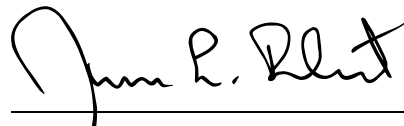
1 Federal Rule of Civil Procedure 4 requires plaintiffs to serve defendants with a
2 summons and a copy of the plaintiff's complaint and sets forth the specific requirements
3 for doing so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the time frame in which
4 service must be effectuated, states in relevant part:

5 If a defendant is not served within 120 days after the complaint is filed, the
6 court—on motion or on its own after notice to the plaintiff—must dismiss
7 the action without prejudice against that defendant or order that service be
made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

8 Fed. R. Civ. P. 4(m).

9 More than 120 days have passed since Plaintiffs filed their Complaint. (*See*
10 Compl. (Dkt. # 13) (filed on July 15, 2013).) Plaintiffs have given the court no indication
11 that service ever took place, have made no showing of good cause, and have advanced no
12 argument for why Allstate should not be dismissed. Accordingly, the court GRANTS
13 Allstate's motion (Dkt. # 47) and DISMISSES Allstate from this action without
14 prejudice.

15 Dated this 2nd day of April, 2014.

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18 JAMES L. ROBART
19 United States District Judge
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